

REQUESTS FOR PRODUCTION

2. **All documents exchanged between any of your employees and Bank of America, Target Receivables Corporation or any other third party regarding your process for creating, preparing and/or signing collection affidavits.**

OBJECTION: The Midland Defendants object to this Request because it seeks documents that are neither relevant to the subject matter of this litigation nor reasonably calculated to lead to the discovery of admissible evidence, as communications with third parties about subjects or individuals other than Plaintiff have no bearing on the individual claims asserted by Plaintiff. The Midland Defendants also object to the scope of the Request as overly broad because this action implicates collections activity beginning in July 2009 and ending prior to the filing of this lawsuit, whereas Plaintiff's Request is not limited in time. The Midland Defendants further object to this Request to the extent that it seeks proprietary and confidential business information not relevant to Plaintiff's claim or the Midland Defendants' defenses

DEFENDANTS' MEET AND CONFER LETTER: Plaintiff agrees that the request is to be limited in time from January 1, 2009 forward. In light of this narrowed scope, Midland will withdraw all objections and produce responsive documents, but only with the understanding that this request does not implicate documents exchanged between Midland and its outside counsel, external regulators, or the Special Master appointed in the Brent action, all of which are implicated and addressed directly by other requests below.

Plaintiff has requested a copy of third party communications on or after January 1, 2009 regarding the affidavit process challenged in this case. No privilege objection was made. These records are clearly relevant or at worst likely to lead to the discovery of relevant and admissible evidence. This Request is also relevant in that the documents requested tend to prove that Defendants engaged in activities with third parties in violation of law as alleged in Plaintiff's civil RICO claim and Virginia civil conspiracy claim. Specifically, this Request helps to establish the "enterprise" element of the civil RICO claim in that Defendants used outside third parties to develop and institute their affidavit process. Additionally this Request helps to

establish that Defendants accomplished, using the help of third parties and through concerted action and a preconceived plan and unity of design and purpose, the fraudulent affidavit process under Plaintiff's civil conspiracy claim. Furthermore, this Request also helps to establish Defendants' pattern of racketeering activity in that the affidavit process is a widespread and systematic part of Defendants' business operations.

2. (Sic) All full or partial drafts and additions/versions of your written materials used to instruct or manage the preparation and/or signing of collection affidavits by any of your employees since January 1, 2009 through the present.¹

OBJECTION: The Midland Defendants object to the scope of the Request as overly broad because this action implicates collections activity beginning in July 2009 and ending prior to the filing of this lawsuit, whereas Plaintiff's Request seeks documents from January 1, 2009 until the present time. The Midland Defendants also object to this Request to the extent that it seeks proprietary and confidential business or personal information that is not relevant to the Plaintiff's claim or the Midland Defendants' defenses. The Midland Defendants further object to the extent that this Request seeks documents that are protected by the attorney-client privilege and/or the attorney work-product doctrine.

Midland will produce any final versions of its affidavit training and process manuals that were used to instruct or manage its employees during the requested period, to the extent that such documents have not already been produced. Midland will withdraw all objections except those objections regarding relevance and privilege, which apply with respect to the drafts of such materials. Midland will supplement its privilege log, as appropriate.

This Request is relevant in that the materials requested tend to establish Defendants' systematic conduct during their affidavit process that constitutes a "pattern of racketeering activity" under Plaintiff's civil RICO claim that has been ongoing since at least 2009. Additionally, this Request tends to prove that Defendants operated and managed their "enterprise" in violation of Virginia

¹ Due to a typographical error, both this request and the immediately preceding request were numbered by Plaintiff's counsel as Request No. 2.

and federal law. Furthermore, this Request also tends to prove that Defendants approved of the employees conduct taken in the scope of their employment in that during the affidavit process, the employees were merely acting as Defendants instructed them.

3. All documents exchanged between you and Dominion Law, Glasser and Glasser or any other law firm that collects Midland Funding accounts in the State of Virginia since January 1, 2006 through the present. (excluding documents that pertain solely to a specific consumer).

OBJECTION: The Midland Defendants object to the scope of the Request as overly broad, as this action implicates collections activity beginning in July 2009 and ending prior to the filing of this lawsuit with respect to one consumer, whereas Plaintiffs Request is not limited to the relevant period of time or to plaintiffs account, and also due to the fact that all third-party collection activity with respect to Plaintiffs account was conducted by Dominion Law Associates and no other law firm. The Midland Defendants also object to this Request because it seeks documents regarding third party consumers that are neither relevant to the subject matter of this litigation nor reasonably calculated to lead to the discovery of admissible evidence. The Midland Defendants further object to this Request to the extent that it seeks proprietary and confidential business information that is not relevant to Plaintiffs claim or the Midland Defendants' defenses. The Midland Defendants object to this Request principally seeks documents protected by the attorney-client privilege and/or the attorney work product doctrine.

Plaintiff agrees to limit the scope of this request to January 1, 2007 forward. Midland has produced its engagement agreement with Dominion Law Associates and has logged as privileged other non-consumer specific documents exchanged with the identified law firms. Midland will not agree to provide further documentation or to withdraw its objections.

This Request is relevant in that the documents requested tend to prove that Defendants engaged in activities with third parties in violation of law as alleged in Plaintiff's civil RICO claim and Virginia civil conspiracy claim. Specifically, this Request helps to establish the "enterprise" element of the civil RICO claim in that Defendants used outside third parties to develop and institute their collection process. Additionally this Request helps to establish that Defendants

accomplished, using the help of third parties and through concerted action and a preconceived plan and unity of design and purpose, the collection of debts in violation of Virginia and federal law under Plaintiff's civil conspiracy claim. Furthermore, this Request also helps to establish Defendants' pattern of racketeering activity in that the collection process was a widespread and systematic part of Defendants' business operations that existed since at least 2006.

4. All user manuals, invoices, available reports or screen prints, contracts or agreements, bulletins, instructions or other documents regarding either "XDocs" (as named in the deposition of Nancy Khols) or YGC (youvegotclaims.com) other than a document pertaining to a specific consumer, portfolio or account.

OBJECTION: The Midland Defendants object to this Request because it seeks documents that are neither relevant to the subject matter of this litigation nor reasonably calculated to lead to the discovery of admissible evidence, as documents detailing the substance of the Midland Defendants' computerized collections software, contracts with third parties, and information about consumers other than Plaintiff have no bearing on the claims asserted by Plaintiff. The Midland Defendants also object to the scope of the Request as overly broad, as this action implicates collections activity beginning in July 2009 and ending prior to the filing of this lawsuit, whereas Plaintiff's Request is not limited in time. The Midland Defendants further object to this Request to the extent that it seeks proprietary and confidential business information that is not relevant to Plaintiff's claim or the Midland Defendants' defenses. The Midland Defendants object that this Request principally seeks documents protected by the attorney-client privilege and/or the attorney work-product doctrine.

Midland has already produced the screenprints of the YGC and XDocs systems, as they were used in connection with Plaintiff's account. Midland will produce additional manuals responsive to this request, if any, provided that they are not limited by a confidentiality provisions. Midland will withdraw all objections except as to confidentiality, as necessary.

This Request is relevant in that the materials requested tend to establish Defendants' systematic conduct during their affidavit validation process that constitutes a "pattern of racketeering activity" under Plaintiff's civil RICO claim. Additionally, this Request tends to prove that

Defendants operated and managed their “enterprise” in violation of Virginia and federal law.

Furthermore, this Request also tends to prove that Defendants approved of the employees conduct taken in the scope of their employment in that during the affidavit validation process, the employees were merely acting as Defendants instructed them.

6. Produce a copy of each of the documents you have previously disclosed to the opposing party or Court in any civil case in which a consumer prosecuted a claim against you for alleged robo signing or false representations made with regard to collection affidavits (excluding all documents that pertain solely to a specific consumer).

OBJECTION: The Midland Defendants object to this Request because it seeks documents that are neither relevant to the subject matter of this litigation nor reasonably calculated to lead to the discovery of admissible evidence, as it requests documents that are entirely unrelated to Plaintiff's individual claims. The Midland Defendants also object to the scope of the Request as overly broad because it seeks production of voluminous documents few, if any, of which would be relevant to Plaintiff's individual claims, and because this action implicates collections activity beginning in July 2009 and ending prior to the filing of this lawsuit, whereas Plaintiff's Request is not limited in time. The assembly of these documents would place undue administrative burdens on the Midland Defendants' employees. The Midland Defendants further object to this Request to the extent that it seeks proprietary and confidential business or personal information that is not relevant to Plaintiff's claim or the Midland Defendants' defenses. The Midland Defendants object to the extent that this Request seeks documents that are protected by the attorney-client privilege and/or the attorney work-product doctrine

Plaintiffs counsel has limited this request to the documents produced in the actions of Kelli Gray v. Midland Funding LLC and Midland Funding LLC v. Andrea Brent that are not related to specific consumers. Midland will agree to produce non-consumer specific and non- state specific documents that were produced in those identified actions to the extent that they are also implicated by the claims and defenses pled in this action. Midland does not agree to withdraw its objections.

This Request is relevant in that it tends to produce evidence of Defendants' systematic fraudulent affidavit process in violation of Virginia and federal law. Furthermore, this Request tends to

produce evidence that Defendants had notice of their violations of law and still continued to engage in the same activity with complete disregard for the law, as was the case with the Plaintiff. Therefore, this information is relevant to the calculation of damages, both punitive and statutory under the FDCPA, civil RICO, and Virginia civil conspiracy claims.

7. Produce a copy of all Interrogatory responses you have previously made to an opposing party in any civil case in which a consumer prosecuted a claim against you for alleged robo signing or false representations made with regard to collection affidavits (excluding all documents that pertain solely to a specific consumer).

OBJECTION: The Midland Defendants object to this Request because it seeks documents that are neither relevant to the subject matter of this litigation nor reasonably calculated to lead to the discovery of admissible evidence, as it requests documents that are entirely unrelated to Plaintiff's individual claims. The Midland Defendants also object to the scope of the Request as overly broad because it seeks production of voluminous documents few, if any, of which would be relevant to Plaintiff's individual claims, because the assembly of these documents would place significant administrative burdens on the Midland Defendants' employees, and because this action implicates collections activity beginning in July 2009 and ending prior to the filing of this lawsuit, whereas Plaintiff's Request is not limited in time. The Midland Defendants further object to this Request to the extent that it seeks proprietary and confidential business or personal information that is not relevant to Plaintiff's claim or the Midland Defendants' defenses, and whose production may be governed and restricted by the terms of a protective order. The Midland Defendants object to the extent that this Request seeks documents that are protected by the attorney-client privilege and/or the attorney work-product doctrine.

Plaintiff's counsel has limited this request to the documents produced in the actions of Kelli Gray v. Midland Funding LLC and Midland Funding LLC v. Andrea Brent that are not related to specific consumers. Midland will agree to produce non-consumer specific and non-state specific answers that were produced in those identified actions to the extent that they are also implicated by the claims and defenses pled in this action. Midland does not agree to withdraw its objections.

This Request is relevant in that it tends to produce evidence of Defendants' systematic fraudulent affidavit process in violation of Virginia and federal law. Furthermore, this Request tends to produce evidence that Defendants had notice of their violations of law and still continued to engage in the same activity with complete disregard for the law, as was the case with the Plaintiff. Therefore, this information is relevant to the calculation of damages, both punitive and statutory under the FDCPA, civil RICO, and Virginia civil conspiracy claims.

8. Produce a copy of all correspondence, email, other communications or other documents you have previously provided to the office of any government agency or department (e.g. Attorneys General or the FTC, without limitation) regarding your creation, use or signing of collection affidavits (excluding all documents that pertain solely to a specific consumer).

OBJECTION: The Midland Defendants object to this Request because it seeks documents that are neither relevant to the subject matter of this litigation nor reasonably calculated to lead to the discovery of admissible evidence, as it requests documents that are entirely unrelated to Plaintiffs individual claims. The Midland Defendants also object to the scope of the Request as overly broad because it seeks production of voluminous documents few, if any, of which would be relevant to Plaintiff's individual claims, because the assembly of these documents would place significant administrative burdens on the Midland Defendants' employees, and because this action implicates collections activity beginning in July 2009 and ending prior to the filing of this lawsuit, whereas Plaintiffs Request is not limited in time. The Midland Defendants further object to this Request to the extent that it seeks proprietary and confidential business or personal information that is not relevant to Plaintiffs claim or the Midland Defendants' defenses, and whose production may be governed and restricted by the terms of a protective order. The Midland Defendants object to the extent that this Request seeks documents that are protected by the attorney-client privilege and/or the attorney work-product doctrine.

Midland will agree to produce non-consumer specific and non-state specific documents that were produced to government agencies or the FTC to the extent that they are also implicated by the claims and defenses pled in this action. Midland does not agree to withdraw its objections.

This Request is relevant in that it tends to produce evidence of Defendants' systematic fraudulent affidavit process in violation of Virginia and federal law. Furthermore, this Request tends to produce evidence that Defendants had notice of their violations of law and still continued to engage in the same activity with complete disregard for the law, as was the case with the Plaintiff. Therefore, this information is relevant to the calculation of damages, both punitive and statutory under the FDCPA, civil RICO, and Virginia civil conspiracy claims.

9. An electronic copy in native or pdf form of every e-mail stored, archived or retrievable that include the word "affidavit" within the subject or body of the e-mail and any of the following individuals in the to, from, cc, or bcc fields: Jane Hughes, Gail Stanger, Rita Mercalia (sic?), Greg Call or Brandon Black.

OBJECTION: The Midland Defendants object to the scope of the Request as overly broad and unduly burdensome because it seeks documents based only on the use of a single search term that is commonly used within the Midland Defendants and the legal system generally, and because this action implicates collections activity beginning in July 2009 and ending prior to the filing of this lawsuit, whereas Plaintiffs Request is not limited in time. For those same reasons, the Midland Defendants object to this Request as seeking documents that are neither relevant to the subject matter of this litigation nor reasonably calculated to lead to the discovery of admissible evidence. The Midland Defendants further object to this Request to the extent that it seeks proprietary and confidential business or personal information that is not relevant to Plaintiffs claim or the Midland Defendants' defenses. The Midland Defendants object to the extent that this Request seeks documents that are protected by the attorney-client privilege and/or the attorney work-product doctrine

Midland has proposed that the parties agree to limit the scope of this request from July 15, 2009 through April 7, 2011 and to the following search terms.

Affidavit w/3 polic*
Mfidavit w/3 procedure*
affidavit w/3 form
affidavit w/3 template

Gilbert w/3 James

Plaintiff will not agree to any limitations except as to the search term "affidavit." Midland does not agree to produce these documents without reasonable search term and time limitations nor will Midland withdraw its objections (including as to privilege) while this disagreement is pending. Please let me know if you have any alternatives other than the word "affidavit" alone.

There is no basis to withhold this information. Defendants have not addressed their assertion of privilege in a privilege log. The individuals for whom Plaintiff seeks archived email records are at the center of the allegations in this case. There is no material burden in copying the email folds, particularly as Plaintiff has agreed to pay an expert to do so. This Request is relevant in that the communications and documents requested tend to prove that Defendants and their employees engaged in activities in violation of law as alleged in Plaintiff's civil RICO claim and Virginia civil conspiracy claim. Specifically, this Request helps to establish the "enterprise" element of the civil RICO claim in that Defendants used their affidavit process as part of their everyday business operations. Additionally this Request helps to establish that Defendants accomplished, through concerted action of their employees and a preconceived plan and unity of design and purpose, the fraudulent affidavit process under Plaintiff's civil conspiracy claim. Furthermore, this Requests also helps to establish Defendants' pattern of racketeering activity in that the affidavit process was a widespread and systematic part of Defendants' business operations. In addition, these communications are likely to reveal actions taken in violation of Virginia and federal law and Defendants' knowledge of such actions.

10. An electronic copy in native or pdf form of every e-mail stored, archived or retrievable within the Outlook folders of Nancy Kohls.

OBJECTION: The Midland Defendants object to the scope of the Request as overly broad and unduly burdensome because it seeks production of voluminous documents few, if any, of which would be relevant to Plaintiffs individual claims, and because this action implicates collections activity beginning in July 2009 and ending prior to the filing of this lawsuit, whereas Plaintiffs Request is not limited in time. For those same reasons, the Midland Defendants object to this Request as seeking documents that are neither relevant to the subject matter of this litigation nor reasonably calculated to lead to the discovery of admissible evidence. The Midland Defendants further object to this Request to the extent that it seeks proprietary and confidential business or personal information that is not relevant to Plaintiffs claim or the Midland Defendants' defenses. The Midland Defendants object to the extent that this Request seeks documents that are protected by the attorney-client privilege and/or the attorney work-product doctrine.

[See Midland's response to Request No.9.](#)

There is no basis to withhold this information. Defendants have not addressed their assertion of privilege in a privilege log. The individuals for whom Plaintiff seeks archived email records are at the center of the allegations in this case. There is no material burden in copying the email folds, particularly as Plaintiff has agreed to pay an expert to do so. This Request is relevant in that the communications requested tend to prove that Defendants, specifically through their employee involved with Plaintiff's affidavit, engaged in activities in violation of law as alleged in Plaintiff's civil RICO claim and Virginia civil conspiracy claim. Additionally, this Request is likely to produce evidence regarding the "enterprise" element of the civil RICO claim in that Defendants used their affidavit process as part of their everyday business operations and also instructed their employees to take or not take certain actions during the "validation" process. Furthermore, this Request helps to establish that Defendants accomplished, through concerted action of their employees and a preconceived plan and unity of design and purpose, the fraudulent affidavit process under Plaintiff's civil conspiracy claim. In addition, these

communications are likely to reveal actions taken in violation of Virginia and federal law and Defendants' knowledge and approval of such actions.

11. Copy of all e-mails in the system that were sent by Rita Mercalia (sic?) from January 1, 2008 to the present.

OBJECTION: The Midland Defendants object to the scope of the Request as overly broad and unduly burdensome because it seeks production of voluminous documents few, if any, of which would be relevant to Plaintiffs individual claims, and because this action implicates collections activity beginning in July 2009 and ending prior to the filing of this lawsuit, whereas Plaintiffs Request seeks documents beginning on January 1, 2008. For those same reasons, the Midland Defendants object to this Request as seeking documents that are neither relevant to the subject matter of this litigation nor reasonably calculated to lead to the discovery of admissible evidence. The Midland Defendants further object to this Request to the extent that it seeks proprietary and confidential business or personal information that is not relevant to Plaintiffs claim or the Midland Defendants' defenses. The Midland Defendants object to the extent that this Request seeks documents that are protected by the attorney-client privilege and/or the attorney work-product doctrine.

Midland believes that this request implicates essentially only privileged information. Plaintiff has agreed to limit the scope of this request to any emails sent by Rita Melconian and archived in her "Dominion Law Associates," "Glasser & Glasser," or "Virginia" email sub-folders. Midland will not agree to produce such documents except upon agreement to the search term and date limitations identified in Midland's response to Request No.9.

There is no basis to withhold this information. Defendants have not addressed their assertion of privilege in a privilege log. The individuals for whom Plaintiff seeks archived email records are at the center of the allegations in this case. There is no material burden in copying the email folds, particularly as Plaintiff has agreed to pay an expert to do so. This Request is relevant in that the materials requested tend to establish Defendants' systematic conduct involving their affidavit process and their training of employees regarding that affidavit process that constitutes a "pattern of racketeering activity" under Plaintiff's civil RICO claim that has been ongoing

since at least 2008. Additionally, this Request tends to prove that Defendants operated and managed their “enterprise” in violation of Virginia and federal law because Rita Mercalia (sic?) was directly involved with the training of Defendants’ employees. Furthermore, this Request also tends to prove that Defendants approved of the employees conduct taken in the scope of their employment in that during the affidavit process, the employees were merely acting as Defendants instructed them.

12. All correspondence between Jane Hughes, Gail Stanger, Rita Mercalia (sic?), Greg Call and/or Brandon Black, and any of these persons or any other person, regarding the process for Midland’s employees to create, prepare, and or sign collection affidavits.

OBJECTION: The Midland Defendants object to the scope of the Request as overly broad because this action implicates collections activity beginning in July 2009 and ending prior to the filing of this lawsuit, whereas Plaintiff's Request is not limited in time. The Midland Defendants object to this Request to the extent that it seeks proprietary and confidential business or personal information that is not relevant to Plaintiff's claim or the Midland Defendants' defenses. The Midland Defendants also object to the extent that this Request seeks documents that are protected by the attorney-client privilege and/or the attorney work-product doctrine.

[See Midland's response to Request No.9.](#)

This Request is relevant in that the communications and documents requested tend to prove that Defendants and their employees engaged in activities in violation of law as alleged in Plaintiff’s civil RICO claim and Virginia civil conspiracy claim. Specifically, this Request helps to establish the “enterprise” element of the civil RICO claim in that Defendants used their affidavit process as part of their everyday business operations. Additionally this Request helps to establish that Defendants accomplished, through concerted action of their employees and a preconceived plan and unity of design and purpose, the fraudulent affidavit process under

Plaintiff's civil conspiracy claim. Furthermore, this Request also helps to establish Defendants' pattern of racketeering activity in that the affidavit process was a widespread and systematic part of Defendants' business operations. In addition, these communications are likely to reveal actions taken in violation of Virginia and federal law and Defendants' knowledge of such actions.

14. All procedures, manuals or PowerPoint presentations located on Defendants' Intranet system or database.

OBJECTION: The Midland Defendants object to the scope of the Request as overly broad because it seeks production of voluminous documents few, if any, of which would be relevant to Plaintiff's individual claims, and because this action implicates collections activity beginning in July 2009 and ending prior to the filing of this lawsuit, whereas Plaintiff's Request is not specific in time. For those same reasons, the Midland Defendants object to this Request as seeking documents that are neither relevant to the subject matter of this litigation nor reasonably calculated to lead to the discovery of admissible evidence. The Midland Defendants also object to this Request to the extent that it seeks proprietary and confidential business information that is not relevant to Plaintiff's claim or the Midland Defendants' defenses. The Midland Defendants further object to the extent that this Request seeks documents that are protected by the attorney-client privilege and/or the attorney work-product doctrine.

Midland has agreed to produce additional screenshots from its Intranet system. Midland will withdraw its objections, except as to privilege and relevance, and it will provide a supplemental privilege log, as necessary.

This Request is relevant in that the materials requested tend to establish Defendants' systematic conduct during their affidavit and debt collection process that constitutes a "pattern of racketeering activity" under Plaintiff's civil RICO claim. Additionally, this Request tends to prove that Defendants operated and managed their "enterprise" in violation of Virginia and

federal law. Furthermore, this Request also tends to prove that Defendants approved of the employees conduct taken in the scope of their employment in that during the affidavit process, the employees were merely acting as Defendants instructed them.

15. The complete catalog or index of all documents stored on Defendants' Intranet system or database.

OBJECTION: The Midland Defendants object to the scope of the Request as overly broad because it seeks production of voluminous documents few, if any, of which would be relevant to Plaintiff's individual claims, and because this action implicates collections activity beginning in July 2009 and ending prior to the filing of this lawsuit, whereas Plaintiffs Request is not specific in time. For those same reasons, the Midland Defendants object to this Request as seeking documents that are neither relevant to the subject matter of this litigation nor reasonably calculated to lead to the discovery of admissible evidence. The Midland Defendants also object to this Request to the extent that it seeks proprietary and confidential business information that is not relevant to Plaintiff's claim or the Midland Defendants' defenses. The Midland Defendants further object to the Request to the extent that the phrase "Intranet system or database" is vague and ambiguous.

Midland will seek to provide a document listing of the documents stored on its intranet system, if possible, by working with its Information Technology department. With this understanding, Midland will withdraw its objections.

This Request is relevant in that the documents requested tend to establish Defendants' systematic conduct during their affidavit and debt collection process that constitutes a "pattern of racketeering activity" under Plaintiff's civil RICO claim. Additionally, this Request tends to prove that Defendants operated and managed their "enterprise" in violation of Virginia and federal law. Furthermore, this Request also tends to prove that Defendants approved of the employees conduct taken in the scope of their employment in that during the affidavit process, the employees were merely acting as Defendants instructed them.

16. All Business Organization formation and maintenance documents (e.g. Articles of Organization or Incorporation, Bylaws, Operating Agreements, Corporate Minutes, etc.) for each Defendant.

OBJECTION: The Midland Defendants object to this Request because it seeks documents that are neither relevant to the subject matter of this litigation nor reasonably calculated to lead to the discovery of admissible evidence. The Midland Defendants also object to this Request because "formation and maintenance documents" is vague and ambiguous. The Midland Defendants further object to this Request to the extent that it seeks proprietary and confidential business information that is not relevant to Plaintiffs claim or the Midland Defendants' defenses. The Midland Defendants object to this Request to the extent that the burden of discovery or ascertaining the answer will be substantially the same for either party and hence reserves the right to respond as provided for by Fed. R. Civ. P. 33(d). The Midland Defendants object to the extent that this Request seeks documents that are protected by the attorney-client privilege and/or the attorney work-product doctrine.

Midland will agree to provide any additional bylaws and operating agreements that have not yet been produced. Plaintiff agrees that any corporate minutes produced could be redacted with respect to material unrelated to discussions about collection activity (e.g., business strategies). Plaintiff will agree that these corporate minutes are unnecessary if Midland stipulates that all three entities have been properly named as defendants. Midland is exploring entering into such a stipulation, and it is agreeable in principle, but it will not withdraw its objection as to relevance in the interim.

This Request is relevant in that the materials requested tend to establish that Defendants satisfy the “enterprise” element under Plaintiff’s civil RICO claim based on the organizational structure and formation of Defendants’ company. Additionally, this Request is likely to produce evidence of those persons associated with Defendants’ “enterprise.”

17. All employee performance and evaluation scoring forms (PACE?) used to evaluate employees and all documents that regard the scoring or evaluation metrics used for your Legal Specialists.

OBJECTION: The Midland Defendants object to the scope of the Request as overly broad because this action implicates collections activity with respect to an affidavit that was executed by an identified Legal Specialist at Midland Credit Management, Inc. The Midland Defendants also object to this Request because it seeks documents that are neither relevant to the subject matter of this litigation nor reasonably calculated to lead to the discovery of admissible evidence, as it implicates personnel documents unrelated to collections activity and/or regarding employees who had no contact with Plaintiffs account. The Midland Defendants further object to this Request to the extent that it seeks proprietary and confidential business information that is not relevant to Plaintiffs claim or the Midland Defendants' defenses. The Midland Defendants object to the extent that this Request seeks documents that are protected by the attorney-client privilege and/or the attorney work-product doctrine.

Midland will not agree to provide such documents, except as to the PACE form of Nancy Kohls, which has already been produced, or to withdraw its objections.

This Request is relevant in that it is likely to produce evidence regarding Defendants' approval of their employees' actions, or lack thereof, regarding their affidavit validation process or other business operations and therefore their violations of law, under Plaintiff's civil RICO claims, Virginia civil conspiracy claims, and Defendants' FDCPA violations. Specifically, the employee performance and evaluation scoring forms are likely to show whether the employees have ever been disciplined or rewarded for their actions taken in their capacity as Defendants' employees and thus Defendants' approval of such actions.

18. All documents ever received from Capital One (including all transmittal letters, emails and other correspondence) that do not regard a specific consumer.

OBJECTION: The Midland Defendants object to the scope of the Request as overly broad and unduly burdensome because it seeks production of voluminous documents few, if any, of which would be relevant to Plaintiff's individual claims, and because this action implicates collections activity beginning in July 2009 and ending prior to the filing of this lawsuit, whereas Plaintiffs request is not limited in time. For those same

reasons, the Midland Defendants object to this Request as seeking documents that are neither relevant to the subject matter of this litigation nor reasonably calculated to lead to the discovery of admissible evidence. The Midland Defendants also object to this Request to the extent that it seeks proprietary and confidential business information that is not relevant to Plaintiffs claim or the Midland Defendants' defenses.

Midland has produced its Bill of Sale and the redacted Receivable Sale Agreement covering Plaintiff's account. Midland will also continue investigating whether further documentation exists that would be responsive to this request. In the interim, Midland will not agree to provide further documentation in addition to what has previously been provided or to withdraw its objections.

This Request is relevant in that the documents requested tend to prove that Defendants engaged in debt collecting activities, without sufficient validation or proof of the underlying debt, in violation of law as alleged in Plaintiff's civil RICO, civil conspiracy, and FDCPA claims. Additionally, this Request helps to establish the "enterprise" element of the civil RICO claim in that Defendants systematically engaged in these illegal collection activities as part of their standard business operations. Furthermore, this Requests also helps to establish Defendants' "pattern of racketeering activity" in that this process of not obtaining sufficient supporting proof of the debt was a widespread and systematic part of Defendants' business operations.

19. All available screen-prints for the computer system that also includes the Affidavit Validation screen used by your Legal Specialists to validate affidavits.

OBJECTION: The Midland Defendants object to this Request because it seeks documents that are neither relevant to the subject matter of this litigation nor reasonably calculated to lead to the discovery of admissible evidence, as documents detailing the substance of the Midland Defendants' computerized collections software have no bearing on the claims asserted by Plaintiff. The Midland Defendants also object to this Request as overly broad because it seeks "all" documents relating to their computer system, regardless of content, and because this action implicates collections activity beginning in July 2009 and ending prior to the filing of this lawsuit, whereas Plaintiff's Request is not

specific in time. The Midland Defendants further object to the Request to the extent that the phrase "all available screen-prints" is vague and ambiguous. The Midland Defendants object to this Request to the extent that it seeks proprietary and confidential business or personal information that is not relevant to Plaintiff's claim or the Midland Defendants' defenses.

Midland will provide the further requested screen-prints for all tabs off of the manual validation screen template that was previously produced. Midland will withdraw its objections.

This Request is relevant in that the documents requested tend to prove that Defendants engaged in debt collecting activities, without sufficient validation or proof of the underlying debt, in violation of law as alleged in Plaintiff's civil RICO, civil conspiracy, and FDCPA claims. Additionally, this Request is likely to produce evidence of the procedures taken or not taken by employees with regard to the validation of the alleged debts that Defendants thereafter attempt to collect. Furthermore, this Request helps to establish the "enterprise" element of the civil RICO claim in that Defendants systematically engaged in these illegal collection activities as part of their standard business operations as well as Defendants' "pattern of racketeering activity" in that this process of not obtaining sufficient supporting proof of the debt was a widespread and systematic part of Defendants' business operations.

20. All manuals or other documents explaining the content for and use of the "manual validation program" used by your Legal Specialists.

OBJECTION: The Midland Defendants further object to the Request due to the fact that the phrase "manual validation program" is vague and ambiguous. The Midland Defendants also object to this Request to the extent that it seeks proprietary and confidential business information that is not relevant to Plaintiffs claim or the Midland Defendants' defenses. The Midland Defendants further object to the extent that this Request seeks documents that are protected by the attorney-client privilege and for the attorney work-product doctrine.

Midland will agree to produce such additional documents and to withdraw its objections.

Plaintiff contends that the phrase “manual validation program” is not vague and ambiguous because it was discussed, as both Plaintiff and Defendants understood the term, in the Deposition of Nancy Kohls. (151:8–13). This Request is relevant in that the materials requested tend to establish Defendants’ systematic conduct during their affidavit validation process that constitutes a “pattern of racketeering activity” under Plaintiff’s civil RICO claim. Additionally, this Request tends to prove that Defendants operated and managed their “enterprise” in that Defendants, as part of their standard business operating procedures, failed to sufficiently validate the underlying accounts for the alleged debts that they later attempt to collect in violation of Virginia and federal law. Furthermore, this Request also tends to prove that Defendants approved of the employees conduct taken in the scope of their employment in that during the affidavit process, the employees were merely acting as Defendants instructed them.

21. Printouts or electronic documents recording the work dates and times for all of your Legal Specialists and any other notary responsible for assisting a legal specialist in the signing of collection affidavits during the months of September 2009 through the present.

OBJECTION: The Midland Defendants object to the scope of the Request as overly broad because this action implicates collections activity with respect to an affidavit that was executed by an identified Legal Specialist at Midland Credit Management, Inc. The Midland Defendants also object to this Request because it seeks documents that are neither relevant to the subject matter of this litigation nor reasonably calculated to lead to the discovery of admissible evidence, as it requests personnel documents that are unrelated to collections activity and/or regarding employees who were no way associated with Plaintiffs account.

Midland is investigating whether it has documents tracking the affidavit output of its Legal Specialists and will supplement its production accordingly. Plaintiff represents that he is not interested in any documents tracking the work dates and times for any Legal Specialists. Subject to this narrowed interpretation of this request, Midland will withdraw its objections.

The Request is also likely to produce evidence of the frequency or infrequency these employees were retained in order to sign mass amounts of affidavits rather than individually verifying the accounts in question. This Request relates to the civil RICO claim that the affidavits were insufficiently validated in violation of law in a “pattern of racketeering activity” as well as part of Defendants’ standard operating procedures that created an “enterprise” under Plaintiff’s civil RICO claim. Furthermore, this Request is likely to show that the racketeering proceeds were used “in continued furtherance of the enterprise, including, but not limited to continuing to pay the salaries of the employees who continued to sign and transmit the affidavits through the mail, as well as the salaries of those who supervised them and directed their actions.”

22. Produce all documents identified in your answers to Plaintiffs First Set of Interrogatories.

OBJECTION: The Midland Defendants object to this Request to the extent that it seeks documents that are protected by the attorney-client privilege and/or the attorney work-product doctrine.

Midland will withdraw its objection. No additional action is necessary.

23. Produce all documents in your possession with regard to the Plaintiff or the subject of this suit.

OBJECTION: The Midland Defendants object to this Request to the extent that it seeks documents that are protected by the attorney-client privilege and/or the attorney work-product doctrine. The Midland Defendants also object to the Request to the extent that the phrase "subject of this suit" is vague and ambiguous.

Midland is checking to determine whether it has additional documentation concerning the Plaintiff. If so, Midland will produce such documents subject to any claim of attorney-client privilege, and Midland will supplement its privilege log, as appropriate. Midland will withdraw its remaining objections.

24. Produce all correspondence between you and the Plaintiff, which regard the subject of this lawsuit or the Plaintiffs.

OBJECTION: No objection.

No further response is necessary by Midland as such documents have been produced.

25. Produce all documents that were mailed or otherwise delivered to you by the Plaintiff or co-defendants, which regard the subject of this lawsuit or the Plaintiff.

OBJECTION: The Midland Defendants also object to this Request to the extent that it seeks documents that are protected by the attorney-client privilege and/or the attorney work-product doctrine.

No further response is necessary by Midland as such documents have been produced.

26. Produce all documents or exhibits which you intend to produce at trial.

OBJECTION: The Midland Defendants object to this Request as premature under Fed.R. Civ. P. 16(b) and 26(a)(3) or the scheduling order for this case. The Midland Defendants also object to the extent that this Request seeks documents that are protected by the attorney-client privilege and/or the attorney work-product doctrine. The Midland Defendants further object to the extent that this Request seeks to require the Midland Defendants to produce documents that they are not required to produce, such as impeachment materials.

No further response is necessary by Midland as such documents have been produced.

27. Produce all documents that detail or describe your procedures for compliance with 15 U.S.C. §1681s-2(b), since January 1, 2008.

OBJECTION: The Midland Defendants object to this Request as overly broad because no violation of 15 U.S.C. § 1681s-2(b) or any other provision of the Fair Credit Reporting Act has been alleged against Midland Funding, LLC or Encore Capital Group, Inc. in this case, and because this action implicates collections activity beginning in July 2009 and ending prior to the filing of this lawsuit, whereas Plaintiff's Request seeks documents beginning on January 1, 2008 through the present. The Midland Defendants further object to this Request to the extent that it seeks proprietary and confidential business or personal information not relevant to Plaintiff's claim or the Midland Defendants' defenses. The Midland Defendants object to this Request to the extent that it seeks documents that are protected by the attorney-client privilege and/or the attorney work-product doctrine.

Midland will produce such documents. With respect to any electronically-stored information implicated by this request, however, Midland will agree to produce such documents and will withdraw all objections except as relating to privilege only after agreement upon reasonable search terms, date limitations, and identification of custodians. Midland will supplement its privilege log upon the production of additional documents if necessary.

This Request is relevant because Plaintiff disputed his debt with the Defendants, so their process of reporting debts to the credit reporting agencies after notice of dispute is of particular

importance to this case. Additionally, by continuing to verify the debt with the credit reporting agencies Defendants attempted to and did coerce Plaintiff into paying the debt in violation of the FDCPA by allowing the debt to continue to be reported on Plaintiff's credit report. Therefore this information is also relevant to the calculation of damages, both punitive and statutory under the FDCPA.

28. Produce all documents that contain the Plaintiffs name, social security number, and/or addresses.

OBJECTION: The Midland Defendants also object to this Request to the extent that it seeks documents neither relevant to the subject matter of this litigation nor reasonably calculated to lead to the discovery of admissible evidence, as not all documents containing Plaintiffs personal identifiers are relevant to the claims asserted by Plaintiff. The Midland Defendants also object to this Request to the extent that it seeks documents that are protected by the attorney-client privilege and/or the attorney work-product doctrine.

Midland will withdraw all objections except as relating to privilege, and Midland will supplement its privilege log, as appropriate. No additional action is necessary.

This Request is relevant because all documents containing Plaintiff's name, social security number, and/or address are particularly important because they pertain directly to Plaintiff and the alleged debt that Defendants claimed he owed to them. Furthermore, any and all documents Defendants possess that include Plaintiff's personal identifiers are relevant in that they tend to prove the existence or nonexistence of information that would verify the alleged debt owed by Plaintiff. This also relates to the fact that Defendants attempted to collect and did collect a debt without sufficient proof of the debt in violation of the FDCPA.

29. Produce all manuals that describe, detail or explain the operation of or any codes within any computer program or software in which data has been compiled, created stored or organized pertaining to the Plaintiff or any account(s) attributed or related to him.

OBJECTION: The Midland Defendants also object to this Request to the extent that it seeks documents neither relevant to the subject matter of this litigation nor reasonably calculated to lead to the discovery of admissible evidence, as documents detailing the substance of the Midland Defendants' computerized collections software have no bearing on the claims asserted by Plaintiff. The Midland Defendants also object to this Request to the extent that it seeks proprietary and confidential business information not relevant to Plaintiff's claim or the Midland Defendants' defenses.

Midland will produce documents describing the codes contained on the documents that detail the collection activity for Plaintiff's account, withdraw its objections except as to privilege, and will provide a supplemental privilege log upon production, as necessary.

This Request is relevant because the requested manuals pertain directly to Plaintiff and the alleged debt that Defendants claimed he owed to them in that they explain and supplement the computer programs and software that was used to verify or not verify and/or maintain Plaintiff's account in a manner that provides the underlying basis for Plaintiff's claims that Defendants violated the FDCPA and attempted to collect a debt that it could not prove. Furthermore, because this constituted Defendants' standard operating practice, it is likely to provide support that Defendants engaged in a "pattern of racketeering activity" and created an "enterprise" whose business involved the systematic violation of laws.

30. Produce all documents pertaining to or containing explanation(s), instruction(s) or procedure(s) for your reporting of credit information or investigation of credit information disputes.

OBJECTION: The Midland Defendants object to this Request as overly broad because no violation of any provision of the Fair Credit Reporting Act has been alleged

against Midland Funding, LLC or Encore Capital Group, Inc. in this case, and because this action implicates collections activity beginning in July 2009 and ending prior to the filing of this lawsuit, whereas Plaintiff's Request is not limited in time. The Midland Defendants also object to this Request to the extent that it seeks proprietary and confidential business or personal information not relevant to Plaintiff's claim or the Midland Defendants' defenses. The Midland Defendants further object to this Request to the extent that it seeks documents that are protected by the attorney-client privilege and/or the attorney work-product doctrine.

Plaintiff has agreed to limit the scope of this interrogatory to exclude documents relating to a specific consumer. Midland will produce such documents, withdraw its objections except as to privilege, and will provide a supplemental privilege log upon production, as necessary.

This Request is relevant because Plaintiff disputed his debt with the Defendants, so their process of reporting debts to the credit reporting agencies and the procedures required for any investigations of disputes is of particular importance to this case. Additionally, by continuing to verify the debt with the credit reporting agencies Defendants attempted to and did coerce Plaintiff into paying the debt in violation of the FDCPA by allowing the debt to continue to be reported on Plaintiff's credit report. Therefore this information is also relevant to the calculation of damages, both punitive and statutory under the FDCPA.

31. Produce all minutes, memos, letters, emails, or other documents, electronic or non-electronic, exchanged between or provided by you to or received by you from the CDIA or any member of the CDIA (Equifax, Trans Union or Experian) regarding the use of the e-Oscar system, compliance with the FCRA or the Automated Batch Interface dispute system you have used.

OBJECTION: The Midland Defendants object to this Request as overly broad because no violation of any other provision of the Fair Credit Reporting Act has been alleged against Midland Funding, LLC or Encore Capital Group, Inc. in this case, and because this action implicates collections activity beginning in July 2009 and ending prior to the filing of this lawsuit, whereas Plaintiff's Request is not limited in time. The Midland Defendants also object to this Request to the extent that it seeks proprietary and confidential business or personal information not relevant to Plaintiff's claim or the

Midland Defendants' defenses. The Midland Defendants further object to this Request because the terms "CIDA," "e-OSCAR," and "Automated Batch Interface" are vague and ambiguous. The Midland Defendants object to this Request to the extent that it seeks documents that are protected by the attorney-client privilege and/or the attorney work-product doctrine.

Plaintiff has agreed to limit the scope of this interrogatory to exclude documents relating to a specific consumer. Midland will produce any manuals, training or compliance materials regarding the identified topics. With respect to any electronically-stored information implicated by this request, however, Midland will agree to produce such documents and will withdraw all objections except as relating to privilege only after agreement upon reasonable search terms, date limitations, and identification of custodians.

This Request is relevant because Plaintiff disputed his debt with the Defendants, so their process of reporting debts to the credit reporting agencies and the procedures required for any investigations of disputes is of particular importance to this case. Additionally, by continuing to verify the debt with the credit reporting agencies Defendants attempted to and did coerce Plaintiff into paying the debt in violation of the FDCPA by allowing the debt to continue to be reported on Plaintiff's credit report. Therefore this information is also relevant to the calculation of damages, both punitive and statutory under the FDCPA. Furthermore, because this practice was widespread and systematic, it is likely to produce evidence of Defendants' "pattern of racketeering activity" and the existence of an "enterprise."

34. Produce every document that regards your knowledge of the decision of the Fourth Circuit in *Linda Johnson v. MBNA*, regarding the duties of furnishers of credit information.

OBJECTION: The Midland Defendants object to this Request as overly broad because no violation of any other provision of the Fair Credit Reporting Act has been alleged against Midland Funding, LLC or Encore Capital Group, Inc. in this case, and because it seeks documents unrelated to Plaintiff's account. The Midland Defendants also object to this Request because it seeks documents neither relevant to the subject matter of this

litigation nor reasonably calculated to lead to the discovery of admissible evidence, as awareness of a judicial decision has no bearing on the claims or defenses asserted by Plaintiff. The Midland Defendants also object to this Request to the extent that it seeks proprietary and confidential business information not relevant to Plaintiff's claim or the Midland Defendants' defenses. The Midland Defendants further object to this Request to the extent that it seeks documents that are protected by the attorney-client privilege and/or the attorney work-product doctrine. The Midland Defendants object to this Request to the extent that the phrase "every document that regards your knowledge of the decision" is vague and ambiguous.

Midland will agree to produce the categories of documents where any discussion of the Johnson decision, in words or substance, would likely be captured. Midland will withdraw its objections except as to privilege and will provide a supplemental privilege log upon the production of additional documents, as appropriate.

This Request is relevant because it provides proof that Defendants had notice of their violations of law and still continued to engage in the same activity with complete disregard for the law, as was the case with the Plaintiff. Therefore this information is also relevant to the calculation of damages, both punitive and statutory under the FCRA.

35. Produce each Consumer Dispute Verification or Automated Consumer Dispute Verification [CDV or ACDV] communication or other dispute communication you received from any consumer reporting agency that regarded the Plaintiff or any of her personal identifiers.

OBJECTION: The Midland Defendants object to this Request as overly broad because no violation of any other provision of the Fair Credit Reporting Act has been alleged against Midland Funding, LLC or Encore Capital Group, Inc. in this case. The Midland Defendants also object to this Request to the extent that the terms "Consumer Dispute Verification" and "Automated Consumer Dispute Verification" are vague and ambiguous. The Midland Defendants further object to this Request to the extent that it seeks proprietary and confidential business information not relevant to Plaintiff's claim or the Midland Defendants' defenses.

Midland will produce all such documents in its possession, including those recently received from e-OSCAR, and will withdraw its objections.

This Request is relevant because Plaintiff disputed his debt with the Defendants, so their records of the dispute communications are of particular importance to this case. Additionally, these communications are relevant in that they tend to prove the existence or nonexistence of information that would verify the alleged debt owed by Plaintiff. Furthermore, by continuing to verify the debt with the credit reporting agencies Defendants attempted to and did coerce Plaintiff into paying the debt in violation of the FDCPA by allowing the debt to continue to be reported on Plaintiff's credit report. Therefore this information is also relevant to the calculation of damages, both punitive and statutory under the FDCPA.

36. Produce for each fact witness or expert witness you believe may have knowledge of any of the facts, events, or matters that are alleged in Plaintiffs complaint, your answer, anticipated answer and/or defenses thereto and/or may have formed any opinion or consulted with you about the facts or basis of this lawsuit or any defense or allegation you have raised in this lawsuit, produce a copy of any affidavit, deposition, transcript, or report which contains the testimony or opinion(s) of such witness and which has been previously furnished to the court or opposing counsel in such case.

OBJECTION: The Midland Defendants object to this Request as premature under Fed. R. Civ. P. 16(b) and 26(a)(3) or the scheduling order entered in this case. The Midland Defendants also object to this Request to the extent that it seeks discovery of expert witnesses beyond that allowed or required by the Federal Rules of Civil Procedure. The Midland Defendants further object to this Request to the extent that it seeks documents that are protected by the attorney-client privilege and/or the attorney work-product doctrine.

Midland will comply with all applicable Court Orders and the Federal Rules of Civil Procedure regarding expert witness designations. With respect to all fact witnesses, Plaintiff has agreed to limit the scope of this request to deposition testimony and non-consumer affidavits regarding consumer credit cases involving third parties. Midland will not agree to provide such documents or to withdraw its objections.

This request is relevant because it is likely to produce evidence of persons who have discoverable information that may be unknown to the Plaintiff. Additionally, this request is relevant because it is likely to produce evidence of Defendants' other violations of law that establish a "pattern of racketeering activity" as well as evidence that Defendants' had notice of their violations of law but continued to engage in such activities with disregard for the law.

37. Produce all documents prepared by you or on your behalf used in connection with the training, instruction, supervision or evaluation of any of your employees or of any third party paid by you identified in your responses to these interrogatories.

OBJECTION: The Midland Defendants object to this Request to the extent that it seeks proprietary and confidential business information not relevant to Plaintiffs claim or the Midland Defendants defenses. The Midland Defendants also object to this Request to the extent that it seeks proprietary and confidential business or personal information not relevant to Plaintiff's claim or the Midland Defendants' defenses. The Midland Defendants further object to this Request to the extent that it seeks documents that are protected by the attorney-client privilege and/or the attorney work-product doctrine.

Midland will agree to provide all training manuals regarding the FDCPA, the FCRA, affidavit execution from January 1, 2009 forward, and identity theft, i.e., the subject matter of Plaintiff's claims. Plaintiff has not agreed to that limitation. Midland will not agree to provide additional documents or to withdraw its objections.

This Request is relevant in that the materials requested tend to establish Defendants' systematic conduct during their affidavit process that constitutes a "pattern of racketeering activity" under Plaintiff's civil RICO claim. Additionally, this Request tends to prove that Defendants operated and managed their "enterprise" illegally by instituting procedures and training their employees to act in a manner that does not comply with Virginia and federal law. Furthermore, this Request is also likely to produce evidence that Defendants' instructions to their employees regarding the

procedures to be followed, as well as the evaluation of any employees, were based on standards that approved and demanded unlawful conduct.

38. Produce your annual report issued for the fiscal or calendar years 2008, 2009 and 2010. (In lieu of producing such documents, you may produce a written stipulation of the amount of your Net Worth as of December 31, 2010).

OBJECTION: The Midland Defendants object to this Request because it seeks information neither relevant to the subject matter of this litigation nor reasonably calculated to lead to the discovery of admissible evidence with respect to any of the substantive claims asserted by Plaintiff. The Midland Defendants also object to the scope of the Request as overly broad because this action implicates collections activity beginning in July 2009 and ending prior to the filing of this lawsuit, whereas Plaintiff's Request seeks documents issued in 2008. The Midland Defendants further object to this Request to the extent it seeks information that is readily available to plaintiff with a reasonable expenditure of effort.

Midland will withdraw its objections. No additional action is necessary.

This Request is relevant because it is likely to produce evidence of the proceeds received by Defendants in violation of Virginia and federal law. Furthermore, this is relevant to the calculation of damages, both punitive as well as under the FDCPA for the number of Defendants' violations that have occurred since at least 2008.

39. Produce every manual or other document which lists, explains and/or describes any code contained in your customer information systems, any reinvestigation record or file, and any other retained computer record and/or screen/file you generated and accessed regarding Plaintiff or any account attributed to the Plaintiff.

OBJECTION: The Midland Defendants object to this Request because it seeks documents neither relevant to the subject matter of this litigation nor reasonably

calculated to lead to the discovery of admissible evidence, as documents detailing the substance of the Midland Defendants' computerized collections software have no bearing on the claims asserted by Plaintiff. The Midland Defendants also object to this Request to the extent that it seeks proprietary and confidential business or personal information not relevant to Plaintiff's claim or the Midland Defendants' defenses. The Midland Defendants further object to this Request to the extent that it seeks documents that are protected by the attorney-client privilege and/or the attorney work-product doctrine

Midland will produce documents describing the codes contained on the documents that detail the collection activity for Plaintiff's account, withdraw its objections except as to privilege, and will provide a supplemental privilege log upon production, as appropriate.

This Request is relevant because the requested manuals pertain directly to Plaintiff and the alleged debt that Defendants claimed he owed to them in that they explain and supplement the computer programs and software that was used to verify or not verify and/or maintain Plaintiff's account in a manner that provides the underlying basis for Plaintiff's claims that Defendants violated the FCRA and FDCPA and attempted to collect a debt that it could not prove. Furthermore, because this constituted Defendants' standard operating practice, it is likely to provide support that Defendants engaged in a "pattern of racketeering activity" and created an "enterprise" whose business involved the systematic violation of laws.

40. Produce your complete procedures manual for reinvestigations, including all revisions since January 1, 2008.

OBJECTION: The Midland Defendants object to this Request as overly broad because no violation of any other provision of the Fair Credit Reporting Act has been alleged against Midland Funding, LLC or Encore Capital Group, Inc. in this case, and because this action implicates collections activity beginning in July 2009 and ending prior to the filing of this lawsuit, whereas Plaintiff's Request seeks documents as of January 1, 2008 to the present. The Midland Defendants further object to this Request to the extent that it seeks proprietary and confidential business information not relevant to Plaintiff's claim or the Midland Defendants' defenses. The Midland Defendants object to this Request to

the extent that the term "reinvestigations" is vague and ambiguous. The Midland Defendants object to this Request to the extent that it seeks documents that are protected by the attorney-client privilege and/or the attorney work-product doctrine.

Midland will produce such documents and withdraw its objections.

41. Produce any document that you have regarding the establishment, maintenance, implementation, improvement, or modification of investigation procedures or of procedures related to the submission and accuracy of data by you to the credit bureaus through Metro 1 or Metro 2.

OBJECTION: The Midland Defendants object to this Request as overly broad because no violation of any other provision of the Fair Credit Reporting Act has been alleged against Midland Funding, LLC or Encore Capital Group, Inc. in this case, and because this action implicates collections activity beginning in July 2009 and ending prior to the filing of this lawsuit, whereas Plaintiffs Request is not limited in time. The Midland Defendants further object to this Request to the extent that it seeks proprietary and confidential business information not relevant to Plaintiffs claim or the Midland Defendants' defenses. The Midland Defendants object to this Request to the extent that the terms "Metro 1" and "Metro 2" are vague and ambiguous. The Midland Defendants object to this Request to the extent that it seeks documents that are protected by the attorney-client privilege and/or the attorney work-product doctrine.

Midland will produce such documents, will withdraw its objections except as to privilege, and will provide a supplemental privilege log upon production, as necessary.

This Request is relevant because Plaintiff disputed his account and therefore these manuals tend to prove the steps taken or not taken to verify the accuracy of the alleged credit reporting. Additionally, by continuing to verify the debt with the credit reporting agencies after reinvestigations, Defendants attempted to and did coerce Plaintiff into paying the debt in

violation of the FDCPA by allowing the debt to continue to be reported on Plaintiff's credit report. Furthermore, because these procedures constitute Defendants' standard operating practice, it is likely to provide support that Defendants engaged in a "pattern of racketeering activity" and created an "enterprise" whose business involved the systematic violation of laws.

42. Produce each Universal Data Form or Automated Universal Data Form [UDF or AUDF] communication you provided to any consumer reporting agency, which pertained to the Plaintiff or any of his personal identifiers.

OBJECTION: The Midland Defendants object to this Request as overly broad because no violation of any other provision of the Fair Credit Reporting Act has been alleged against Midland Funding, LLC or Encore Capital Group, Inc. in this case. The Midland Defendants also object to this Request to the extent that it seeks proprietary and confidential business information not relevant to Plaintiffs claim or the Midland Defendants' defenses. The Midland Defendants further object to this Request to the extent that the terms "Universal Data Form" and "Automated Universal Data Form" are vague and ambiguous. The Midland Defendants object to this Request to the extent that it seeks documents that are protected by the attorney-client privilege and/or the attorney work-product doctrine.

Midland will agree to agree to produce such documents, if any, and to withdraw its objections.

43. Produce the Complaint filed against you in every lawsuit in which you have been sued for your alleged violation of 15 U.S.C. § 1681s-2.

OBJECTION: The Midland Defendants object to this Request because it seeks documents that are neither relevant to the subject matter of this litigation nor reasonably calculated to lead to the discovery of admissible evidence, as it requests documents that are entirely unrelated to Plaintiffs individual claims. The Midland Defendants also object to the scope of the Request as overly broad because no violation of any other provision of the Fair Credit Reporting Act has been alleged against Midland Funding, LLC or Encore Capital Group, Inc. in this case, because

the assembly of these documents would place significant administrative burdens on the Midland Defendants' employees, and because this action implicates collections activity beginning in July 2009 and ending prior to the filing of this lawsuit, whereas Plaintiff's Request is not limited in time.

Midland is continuing the process of exploring the logistics behind fully gathering such documents and will determine whether it will respond or object in the short term. In the alternative, Midland is willing to stipulate that it has been sued under 15 U.S.C. § 1681s-2 in the three years prior to the filing of Plaintiffs Complaint.

This Request is relevant because it is likely to produce evidence that Defendants had notice of their violations of law and still continued to engage in the same activity with complete disregard for the law, as was the case with the Plaintiff. Therefore, this information is also relevant to the calculation of damages, both punitive and statutory under the FCRA.

44. Produce every document, internal memorandum, e-mail, or other electronic communications through which you or your employees discussed your maintenance, modification, and/or creation of your FCRA investigation procedures.

OBJECTION: The Midland Defendants object to this Request as overly broad because no violation of any other provision of the Fair Credit Reporting Act has been alleged against Midland Funding, LLC or Encore Capital Group, Inc. in this case, and because this action implicates collections activity beginning in July 2009 and ending prior to the filing of this lawsuit, whereas Plaintiff's Request is not limited in time. The Midland Defendants further object to this Request to the extent that it seeks proprietary and confidential business information not relevant to Plaintiffs claim or the Midland Defendants' defenses. The assembly of these documents would place significant administrative burdens on the Midland Defendants' employees. The Midland Defendants object to this Request to the extent that it seeks documents that are protected by the attorney-client privilege and/or the attorney work-product doctrine.

Midland will produce such documents. With respect to electronically-stored information, however, Midland will agree to produce such documents and will withdraw all objections except as relating to privilege only after agreement upon reasonable search terms, date limitations, and identification of custodians.

47. Produce any documents that list the names, positions and job descriptions of all of your employees.

OBJECTION: The Midland Defendants object to this Request to as overly broad because it requests documents unrelated to Plaintiffs account, and because this action implicates collections activity beginning in July 2009 and ending prior to the filing of this lawsuit, whereas Plaintiffs Request is not limited in time. The Midland Defendants also object to this Request because it seeks documents neither relevant to the subject matter of this litigation nor reasonably calculated to lead to the discovery of admissible evidence, as it implicates personnel documents unrelated to collections activity and/or regarding employees who had no contact with Plaintiffs account. The Midland Defendants object to the Request on the basis that it seeks proprietary and confidential business information not relevant to Plaintiffs claim or the Midland Defendants' defenses. The Midland Defendants object to this Request to the extent that it seeks documents that are protected by the attorney-client privilege and/or the attorney work-product doctrine.

Plaintiff has agreed to limit the scope of this request to the members of the Legal Department and Legal Outsourcing Department. Midland has identified the names and positions of all individuals with knowledge of the claims and defenses asserted in connection with Plaintiff's action, and it will produce its entire officer and director lists from 2008 forward. Midland will not agree to produce further documents or to withdraw its objections.

This Request is relevant in that it is likely to produce evidence proving that Defendants satisfy the "enterprise" element under Plaintiff's civil RICO claim. Additionally, this Request is likely to produce evidence of those persons associated with Defendants' "enterprise." Furthermore, the Request is relevant in that it tends to prove the application of proceeds received in violation of the law to the salaries and/or wages of employees.

INTERROGATORIES

1. Identify (name, address, job title and description) of every person who substantively participated in the drafting or editing in each of the following training manuals and the date range during which they so participated as well as the specific work they performed in this process:

- **Encore Capital Group, Inc. - MCM Affidavit Training - Understanding**

Affidavit Content (MJ00186-MJ00249)

- **Encore Capital Group - MCM Affidavit Training - Understanding**

Mfidavit Content (MJ00090-MJ00172)

- **Encore Capital Group-Midland Affidavit Process- November 29, 2010 (MJ00173-MJ00182)**

- **MCM Training Department AMM December 30, 2010 -Module 1-FDCPA (MJ00250-MJ00285)**

- **MCM Training Department AMM -5/3/2010 - Module 6 - Disputes &**

Warning Codes -(MJ00286-MJ00341)

OBJECTION: The Midland Defendants object to this Interrogatory to the extent that it seeks proprietary and confidential business information not relevant to Plaintiff's claim or the Midland Defendants' defenses. The Midland Defendants also object to this Interrogatory to the extent that it seeks information that is protected by the attorney-client privilege and/or the attorney work-product doctrine. The Midland Defendants further object to this Interrogatory to the extent that the phrase "substantively participated" is vague and ambiguous.

Midland agrees to identify actors who worked on such documents with only a general description of tasks performed. Midland will withdraw its objections except as to privilege.

2. **Identify (name, address, job title and description) every person who substantively participated in the drafting or editing of each format, type or template of Affidavit generated by you for use since September 2009, listed by the name which you have assigned to each such Affidavit (e.g. "AFFRECORD"), and the date range during which they so participated as well as the specific work they performed in this process.**

OBJECTION: The Midland Defendants object to this Interrogatory to the extent that it seeks proprietary and confidential business information not relevant to Plaintiff's claim or the Midland Defendants' defenses. The Midland Defendants also object to this Interrogatory to the extent that it seeks information that is protected by the attorney-client privilege and/or the attorney work-product doctrine. The Midland Defendants further object to this Interrogatory to the extent that the phrase "substantively participated" is vague and ambiguous.

Midland agrees to identify actors who worked on the AFFRECORD template with only a general description of tasks performed. Midland will withdraw its objections except as to privilege.

4. **Identify each fact witness or expert witness you believe may have knowledge of any of the facts, events, or matters that are alleged in plaintiffs complaint or amended complaint, your answer, anticipated answer and/or defenses thereto and/or may have formed any opinion or consulted with you about the facts or basis of this lawsuit or any defense or allegation you have raised in this lawsuit. For each such person identified, please list each and every lawsuit in which that person has testified by affidavit, deposition, trial testimony, or, for expert witnesses, by report furnished to the court or opposing counsel. (Please identify the lawsuit by complete caption, court name, cause number, and date the affidavit, deposition, trial testimony, or report was made, taken or occurred.)**

OBJECTION: The Midland Defendants object to this Interrogatory as premature under Fed. R. Civ. P. 16(b) and 26(a)(3) or the scheduling order entered in this case. The Midland

Defendants also object to this Interrogatory to the extent that it seeks discovery of expert witnesses beyond that allowed or required by the Federal Rules of Civil Procedure. The Midland Defendants also object to this Interrogatory because it seeks information that is neither relevant to the subject matter of this litigation nor reasonably calculated to lead to the discovery of admissible evidence, as it requests information regarding participation in lawsuits that is entirely unrelated to Plaintiff's claim. The Midland Defendants object to this Interrogatory to the extent that it seeks information that is protected by the attorney-client privilege and/or the attorney work-product doctrine.

Midland will supplement the list of identified individuals to add specific individuals from Dominion Law Associates and Collect America, if possible. Midland will not provide a listing of prior deposition testimony and affidavits. Midland will not agree to withdraw its objections on that specific issue.

6. Identify all documents prepared by or on behalf of the defendant used in connection with the training, instruction, supervision or evaluation of any of your Legal Specialists, and/or any of your employees identified in your responses to these interrogatories or in your Rule 26(a)(1) disclosures.

OBJECTION: The Midland Defendants object to the scope of this Interrogatory as overly broad because this action implicates collections activity beginning in July 2009 and ending prior to the filing of this lawsuit, whereas Plaintiffs Interrogatory is not limited in time, and because it seeks documents unrelated to collections activity regarding Plaintiffs account. The Midland Defendants also object to this Interrogatory to the extent that it seeks proprietary and confidential business information not relevant to Plaintiff's claim or the Midland Defendants' defenses. The Midland Defendants further object to this Interrogatory to the extent that it seeks information that are protected by the attorney-client privilege and/or the attorney work-product doctrine.

Midland will agree to withdraw its objections. No additional action is necessary as Midland has responded.

7. State the net worth, gross revenue, and net revenue of each Defendant for fiscal and/or calendar years 2009, 2010 and 2011, and identify any report filed with the SEC for any of these years.

OBJECTION: The Midland Defendants object to this Interrogatory because it seeks information that is neither relevant to the subject matter of this litigation nor reasonably calculated to lead to the discovery of admissible evidence with respect to any of the substantive claims asserted by Plaintiff. The Midland Defendants also object to this Interrogatory to the extent that it seeks proprietary and confidential business information that is not relevant to Plaintiff's claim or the Midland Defendants' defenses.

Midland will withdraw its objections and provide such information. The parties have agreed to work together to determine whether a stipulation in this regard is possible with respect to the net worth of Midland Credit Management, Inc. and Midland Funding, LLC.

8. Identify every lawsuit in which you have been sued for your alleged violation of 15 U.S.C. §1681s-2(b) by a consumer who alleged that he or she was not the person who owed you money or who claimed that he was the victim of identity theft. Include the style of the case, the court in which the action was brought, the case number, the name of the Plaintiffs attorney, the date the case was filed and the disposition in the case.

OBJECTION: The Midland Defendants object to this Interrogatory as overly broad because no violation of any other provision of the Fair Credit Reporting Act has been alleged against Midland Funding LLC or Encore Capital Group, Inc. in this case, because it requests information unrelated to Plaintiff's account, and because this action implicates collections activity beginning in July 2009 and ending prior to the filing of this lawsuit, whereas Plaintiff's Interrogatory is not limited in time. The Midland Defendants object to this Interrogatory because it seeks information that is neither relevant to the subject matter of this litigation nor reasonably calculated to lead to the discovery of admissible evidence, as it requests information that is entirely unrelated to Plaintiff's claims. The Midland Defendants further object to this Interrogatory to the extent that it seeks proprietary and confidential business information that is not relevant to Plaintiff's claim or the Midland Defendants' defenses. The collection of such information would also place undue administrative burdens on the Midland Defendants' employees.

Midland is continuing the process of exploring the logistics behind fully gathering such documents and will determine whether it will respond or object in the short term. In the alternative, Midland is willing to stipulate that it has been sued under 15 U.S.C. § 1681s-2 in the three years prior to the filing of Plaintiff's Complaint.

9. Since January 1, 2009, did any defendant provide any information related and/or attributed to the plaintiff to any consumer reporting agency? If so, identify all such persons, and, for each separate month state the specific information -by date and in both English language description, as well as METRO II code, provided to any such agency.

OBJECTION: The Midland Defendants object to this Interrogatory as overly broad because no violation of any other provision of the Fair Credit Reporting Act has been alleged against Midland Funding LLC or Encore Capital Group, Inc. in this case. The Midland Defendants also object to this Interrogatory to the extent that seeks proprietary and confidential business information not relevant to Plaintiff's claim or the Midland Defendants' defenses. The Midland Defendants further object to this Interrogatory to the extent that the term "Metro II Code" is vague and ambiguous

In addition to its prior answer, Midland will agree to provide an English language description of its credit reporting history with respect to Plaintiff's account and to withdraw its objections.

10. Do you admit that you inaccurately reported the Midland account alleged in the complaint to Experian, Equifax and Trans Union? If your answer is "No.", state and list in complete detail each separate reason supporting your answer.

OBJECTION: The Midland Defendants object to this Interrogatory as overly broad because no violation of any other provision of the Fair Credit Reporting Act has been alleged against Midland Funding LLC or Encore Capital Group, Inc. in this case. The Midland Defendants also object to this Interrogatory to the extent that it seeks information that are protected by the attorney-client privilege and/or the attorney work-product doctrine.

Midland will withdraw its objections. No additional action is necessary.

12. Identify (name, address and date of the affidavit) all consumers residing in Virginia about whom since the filing of this Complaint you have furnished an "AFFRECORD" format affidavit to Glasser and Glasser and/or Dominion Law Associates.

OBJECTION: The Midland Defendants object to the scope of the Interrogatory as overly broad, as this action implicates collections activity beginning in July 2009 and ending prior to the filing of this lawsuit with respect to one consumer, whereas Plaintiffs Interrogatory is not limited to the relevant period of time or to Plaintiff's account, and also due to the fact that all third-party collection activity with respect to Plaintiffs account was conducted by Dominion Law Associates and no other law firm. The Midland Defendants also object to this Interrogatory

Midland is agreeable in principle to entering into a stipulation regarding its continued use of business record affidavits such as the AFFRECORD after filing of Plaintiffs lawsuit. Midland will also consider providing the numerical range of lawsuits that used such affidavits in 2011 in lieu of a substantive response.

13. [I]dentify each "outside party" or "partner company" and all persons representing such party or company who have visited any of your offices or facilities to discuss, review, develop, inquiry about or explore your affidavit process since January 1, 2009, and for each state date(s) of such visit(s), as well as all circumstances and reasons for such visit(s).

OBJECTION: The Midland Defendants object to the scope of the Interrogatory as overly broad because this action implicates collections activity beginning in July 2009 and ending prior to the filing of this lawsuit, whereas Plaintiff's Interrogatory seeks information from January 1, 2009 until the present time. The Midland Defendants also object to this Interrogatory because it seeks information that is neither relevant to the subject matter of this litigation nor reasonably calculated to lead to the discovery of admissible evidence, as the Midland Defendants' communications and meetings with third parties have no bearing on the individual claims asserted by Plaintiff. The Midland Defendants further object to this Interrogatory to the extent that it seeks proprietary and confidential business information not relevant to Plaintiff's claim or the Midland Defendants' defenses.

Midland will withdraw its objections and will respond.